

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

TIERRE J. PROBASCO,

§

Plaintiff,

§

§

vs.

§

No. EP-17-CV-00203-FM

§

§

WAL-MART STORES TEXAS, LLC

§

AND MICHAEL GONZALEZ

§

§

Defendants.

§

**PLAINTIFF'S REQUEST FOR ENTRY OF AWARD OF \$3000.00 FOR PLAINTIFF'S
ATTORNEYS' FEES AND COST UNDER 28 U.S.C. § 1447(c)**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW TIERRE J. PROBASCO, Plaintiff in the above-entitled and numbered cause and files this his Request for Entry of Award of \$3000.00 for Plaintiff's Attorneys' Fees and Cost Under 28 U.S.C. § 1447(c), and in support of the same would respectfully show the Court as follows:

I.

1. Pursuant to the Court's Order Remanding Cause [Doc.19], Fed. Rules Civ. Proc. 54(d)(2), and Local Court Rule CV-7(j), Plaintiff hereby files his request for reasonable attorneys' fees and costs incurred as a result of Defendants' improper removal of this case.

2. Plaintiff's counsel conferred with Defendants' counsel on November 15, 2017, as to the reasonableness of Plaintiff's request for attorney's fees in the amount of \$3,000.00. Defendants have indicated that they intend to challenge the award of attorney's fees and took no position as to the amount requested. Accordingly, no agreement was reached.

3. Plaintiff's counsel has expended a total of 10 hours in preparing and filing: 1) Plaintiff's Response in Opposition to Defendant Michael Gonzalez's Rule 12(B)(6) Motion to Dismiss (Doc. 8); and 6). *See* Exh. 1. The hours expended on such filings were reasonable. Plaintiff's counsel's hourly billing rate of \$300 per hour is reasonable within the community of El Paso, Texas. Accordingly, Plaintiff requests an award of \$3,000.00 in attorneys' fees and costs.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays this Court grant Plaintiff's Request for Entry of Award of \$3,000.00 for Plaintiff's Attorneys' Fees and Cost Under 28 U.S.C. § 1447(c), and for such other and further relief, at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

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/s/Oscar Mendez Jr.
OSCAR MENDEZ JR.
State Bar No. 24058473

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2017, a true and correct copy of the foregoing document was mailed to:

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/s/Oscar Mendez Jr.
OSCAR MENDEZ JR.

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TIERRE J. PROBASCO,

Plaintiff,

vs.

WAL-MART STORES TEXAS, LLC
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Defendants.

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No. EP-17-CV-00203-FM

**ORDER GRANTING PLAINTIFF'S REQUEST FOR ENTRY OF AWARD OF \$3000.00
FOR PLAINTIFF'S ATTORNEYS' FEES AND COST UNDER 28 U.S.C. § 1447(c)**

CAME ON TO BE HEARD Plaintiff's Request for Entry of Award of \$3000.00 for Plaintiff's Attorneys' Fees and Cost Under 28 U.S.C. § 1447(c) in the above-referenced and numbered case. The Court, after reviewing the Motion and its contents has concluded the Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that Plaintiff's Request for Entry of Award of \$3,000.00 for Plaintiff's Attorneys' Fees and Cost Under 28 U.S.C. § 1447(c) be and is hereby GRANTED.

Signed this ____ day of _____, 2017.

UNITED STATES DISTRICT JUDGE